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Attorneys & Counselors at Law

By Hand & ECF

Honorable Richard J. Sullivan, USDJ  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 615  
New York, New York 10007

USDS SDNY

DOCUMENT

December 18, 2007

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DATE FILED: 12/21/07

Re: Botkier, Inc. v. Costco Wholesale Corp., et al.  
07 CV 11043 (RJS/A)

Dear Honorable Judge Sullivan:

As Your Honor is aware, this firm represents Botkier, Inc. in the above-referenced matter.

Plaintiff wishes to advise the Court that, in view of recent disclosures made by defendant Costco Wholesale Corporation, it hereby withdraws its pending Motion for Preliminary Injunction with Temporary Restraints without prejudice.

Specifically, plaintiff's withdrawal is predicated upon defendant's representation at the December 10<sup>th</sup> hearing that the number of BOTKIER® handbags still at issue is in the single digits and, more recently, that only two (2) subject handbags remain at any of defendant's locations. Accordingly, plaintiff concurs with defendant's assertions at the December 10<sup>th</sup> hearing that, based on the current record, the degree to which irreparable injury exists does not now warrant a preliminary injunction motion or expedited discovery. Therefore, as defendant further suggested, we agree that standard discovery is appropriate.

Plaintiff's motion is  
hereby withdrawn.  
The Clerk of the  
Court shall terminate  
the motion at document  
#6 on the Docket.

Respectfully submitted,

Bjorn J. Holubar /s/

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c.: James Dabney, Esq.

SO ORDERED

Dated:

12/20/07

RICHARD J. SULLIVAN  
U.S.D.J.